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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,468	05/07/2004	Bill Yang	13050-US-PA	3467

31561 7590 03/18/2008
JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI, 100
TAIWAN

EXAMINER

LUKS, JEREMY AUSTIN

ART UNIT	PAPER NUMBER
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2837

NOTIFICATION DATE	DELIVERY MODE
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03/18/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USA@JCIPGROUP.COM.TW

Office Action Summary	Application No. 10/709,468	Applicant(s) YANG, BILL	
	Examiner JEREMY LUKS	Art Unit 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16, 17, 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16, 17, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawker (5,790,679) in view of Croft (2002/0191808). Hawker teaches an electronic device (Figure 1, #10) at least comprising a speaker module frame (Figure 3, #26) (Col. 3, Lines 31-34), with a built-in front sound enclosure (30) and a built-in rear sound enclosure (32) (Col. 3, Lines 46-59), comprising a speaker module frame comprising a main portion (portion including frame 26 and portion #28) having an accommodating hole (34), an extending portion (28) and a protruding portion (portion extending orthogonal to extending portion #28, and terminating at port #44 in Figure 3), the accommodating hole (34) accommodating a speaker vibration system (Figures 1 and 3, #20) and a magnetic loop; a front cover (36), disposed at a first side of the speaker module frame (26), the built-in front sound enclosure (30) being formed between the front cover (36) and the speaker vibration system (20), the front cover (36) having a plurality of tone holes (40, 42); and a rear cover (38), disposed at a second side of said main portion (portion including enclosure 26 and portion #28), the second side being opposite to the first side, the built-in rear sound enclosure (32) being formed between the rear cover (38) and the main portion (portion including enclosure 26 and

portion #28), wherein the height of the protruding portion (portion extending orthogonal to extending portion #28, and terminating at port #44 in Figure 3) depends on the characteristics of the speaker vibration system (20) in order to provide the built-in front sound enclosure (30); and wherein the speaker module frame is a one piece structure formed by plastic injection molding (Col. 2, Lines 56-58). This is inherent because a larger output from a speaker will require a larger front enclosure to accommodate the speaker, requiring a greater height for the protruding portion. Further, a change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955). Hawker fails to teach wherein the speaker is a speaker vibration film having a coil and a magnetic loop. Croft teaches a speaker including a speaker vibration film (Figure 5, #21) having a coil (26) (Page 10, [0129]) and a magnetic loop (Figure 26, #40) (Page 13, [0156]). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the apparatus of Hawker as modified, with the apparatus of Croft to increase the efficiency of the speaker and therefore create a reduction in power requirements allowing for high acoustic outputs in a smaller size without prematurely reaching thermal limits.

2. Claims 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawker (5,790,679) and Croft (2002/0191808) as applied to claim 16, and further in view of Dyer (6,688,421). Hawker and Croft are relied upon for the reasons and disclosures set forth above. Hawker further teaches a speaker (Figure 3, #20) positioned in the center of an accommodating hole (34). Hawker and Croft fail to teach wherein the main portion includes a plurality of positioning slices extending from a sidewall of the accommodating hole to a center of the accommodating hole for

positioning the speaker vibration system and the magnetic loop. Dyer teaches a speaker frame main portion (Figure 3, #101) including a plurality of positioning slices (350) extending from a sidewall when used in combination of said accommodating hole (104) to a center of said accommodating hole (104) for positioning a speaker vibration system and magnetic loop when used in combination (Col. 4, Lines 21-30). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the apparatus of Hawker as modified, with the apparatus of Dyer to more securely hold the speaker within the module, while allowing for easier insertion and removal if a replacement speaker is needed.

Response to Arguments

3. Applicant's arguments with respect to claims 16, 17, 20 and 21 have been considered but are moot in view of the new ground(s) of rejection. The examiner considers the obvious combination of Hawker, Croft and Dyer to teach all of the limitations as claimed by Applicant.

4. Regarding Applicant's claim of allowability due to claims 16 and 20 having the limitation "the speaker module is a one piece structure formed by plastic injection molding," the Examiner considers Hawker to teach this limitation on Col. 2, Lines 56-58. It is further noted that it has been held that forming separate structural elements into a one piece construction involves only routine skill in the art. In re Larson, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965). Still further, that method of forming a device is not germane to the issue of patentability of the device itself. Therefore, Hawker in view of Croft teaches all of the claimed limitations of claims 16 and 20.

5. Applicant's excerpt from the Detailed Description of the Specification is moot because the prior art teaches all of the claimed limitations of Applicant's invention. Further, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.
6. Regarding claims 17 and 21, the Examiner has relied on the Dyer reference throughout the prosecution of this case for a teaching of the claimed retention flaps and positioning slices, and maintains that the combination is proper.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEREMY LUKS whose telephone number is (571)272-2707. The examiner can normally be reached on Monday-Thursday 8:30-6:00, and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on (571) 272-1988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeremy Luks
Patent Examiner
Art Unit 2837
Class 181

/Lincoln Donovan/

Supervisory Patent Examiner, Art Unit 2837

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